

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT COURT
BROWNSVILLE DIVISION**

MARCOS SANCHEZ-CORTEZ,
Petitioner,

v.

ADRIAN RAMIREZ
Interim Field Director, *et al.*,
Respondents.

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Civil Action No. B-08-435
(Cr. No. B-04-108)

MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

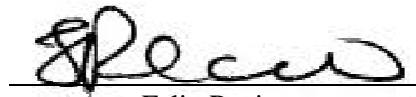
The instant action was filed on September 29, 2008. Respondent has not been served. The Court notified Plaintiff that the time limit for service of process would expire January 29, 2009, pursuant to Rule 4(m), Federal Rules of Civil Procedure (Doc. #6). Plaintiff was further warned that failure to perfect service of process would result in being placed on the dismissal docket. Plaintiff, as of February 4, 2009, has not served Respondent. The Court thus recommends that this action be DISMISSED without prejudice, for failure to perfect service of process as required by law.

NOTICE TO PARTIES

A party’s failure to file written objections to the proposed findings, conclusions, and recommendation in a magistrate judge’s report and recommendation within ten (10) days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court,

provided that the party has been served with notice that such consequences will result from a failure to object. *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

DONE at Brownsville, Texas, this 4th day of February 2009.

A handwritten signature in black ink, appearing to read 'F. Recio', written over a horizontal line.

Felix Recio
United States Magistrate Judge